

UNITED STATE DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

J.N

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR			ATTORNEY DOCKET NO.
08/87 9 ,467	06/20/97	DURBIN		D	DN38240R1
		LM31/0914	7	EXAMINER	
H.SHANNON T	YSON, JR.	EMOI/ 0514		CHEN, W	J
		NUER& FELD, L.L.P.		ART UNIT	PAPER NUMBER
816 CONGRES SUITE 1900				2724	16
AUSTIN TX 7	8701			DATE MAILED	: 09/14/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No. 08/879,467 Applicant(s)

Durbin et al.

Examiner

Wenpeng Chen

Group Art Unit 2724



a) expires months from the mailing date of the final rejection. b) expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the stuttory period for the response expire later than eix months from the date of the final rejection. Am retained in the must be obtained by filing a patition under 27 CFR 1.138(s), the proposed response and the appropriate fas. The date extension of temperas, the patition, and the fact have been filed in the date of the proposed response and the expirally set after filed in the date of the proposed response and the expirally set after of dates the proposed response and the proposed of determining the period of exponse of the filed in the date of the date of the filed in the date of the proposed response and the expirally set after of dates and the corresponding amount of the fee. Any extension fee purusant to 37 CFR 1.13 will be calculated from the date of the originally set after originally set after of the date of the normal period for response or a set forth in blabove. Applicant's response to the final rejection, filed on	TI	HE PERIOD FOR RESPONSE: [check only a) or b)]	
is later. In no event, however, will the statutory period for the response expire later than aix months from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set intermed statutory period for response or as so front his observed. Applellant's Brief is due two months from the date of the Notice of Appeal filed on		a) expires months from the mailing date of the final rejection.	
date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the foe. Any extension fee pursuant 57 CFR 1.17 will be decaded from the date of the originally set shortened statutory period for response or as set forth in b) above. Appellant's Brief is due two months from the date of the Notice of Appeal filed on		is later. In no event, however, will the statutory period for the response expire later than six months from the date of	n, whichever of the final
period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a). Applicant's response to the final rejection, filed on		date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the pudetermining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 w	rnoses of
but is NOT deemed to place the application in condition for allowance: The proposed amendment(s): will be entered upon filling of a Notice of Appeal and an Appeal Brief. will not be entered because: they raise new issues that would require further consideration and/or search. (See note below). they raise new issues that would require further consideration and/or search. (See note below). they raise new issues that would require further consideration and/or search. (See note below). they raise the issue of new matter. (See note below). they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. they present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: The added limitations to Claims 1, 8, and 15 require further consideration and/or search to determine their patentability. Applicant's response has overcome the following rejection(s): Newly proposed or amended claims would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims. Newly proposed or amended claims would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims. The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because: The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any): Claims allowed: Claims objected to: Claims approved by the Examiner.		Appellant's Brief is due two months from the date of the Notice of Appeal filed on period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).	within any
 will be entered upon filing of a Notice of Appeal and an Appeal Brief. will not be entered because: they raise new issues that would require further consideration and/or search. (See note below). they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. they present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: The added limitations to Claims 1, 8, and 15 require further consideration and/or search to determine their patentability. Applicant's response has overcome the following rejection(s): Newly proposed or amended claims would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims. The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:			g effect,
 ⋈ will not be entered because: ☑ they raise new issues that would require further consideration and/or search. (See note below). ☐ they raise the issue of new matter. (See note below). ☑ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. ☐ they present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: The added limitations to Claims 1, 8, and 15 require further consideration and/or search to determine their patentability. ☐ Applicant's response has overcome the following rejection(s): ☐ Newly proposed or amended claims would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims. ☑ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because: The agruments offered by Applicant with regard to Claims 3, 13, and 18 have been addressed sufficiently in the Examiner's previous actions and the Examiner's position remains unchanged. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. ☑ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any): Claims objected to: Claims objected to: Claims rejected: 1-18 ☐ The proposed drawing correction filed on	X	The proposed amendment(s):	
 ☑ they raise new issues that would require further consideration and/or search. (See note below). ☐ they raise the issue of new matter. (See note below). ☑ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. ☐ they present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: The added limitations to Claims 1, 8, and 15 require further consideration and/or search to determine their patentability. ☐ Applicant's response has overcome the following rejection(s): ☐ Newly proposed or amended claims would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims. ☑ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because: The arguments offered by Applicant with regard to Claims 3, 13, and 18 have been addressed sufficiently in the Examiner's previous actions and the Examiner's position remains unchanged. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. ☑ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any): Claims allowed: Claims objected to: Claims rejected: 1-18 — — The proposed drawing correction filed on		will be entered upon filing of a Notice of Appeal and an Appeal Brief.	
they raise the issue of new matter. (See note below). It they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. they present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: **The added limitations to Claims 1, 8, and 15 require further consideration and/or search to determine their patentability.** Applicant's response has overcome the following rejection(s): Newly proposed or amended claims would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims. The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because: **The arguments offered by Applicant with regard to Claims 3, 13, and 18 have been addressed sufficiently in the Examiner's previous actions and the Examiner's position remains unchanged. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any): Claims allowed:		will not be entered because:	
they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. they present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: The added limitations to Claims 1, 8, and 15 require further consideration and/or search to determine their patentability. Applicant's response has overcome the following rejection(s): Newly proposed or amended claims would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims. The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because: The arguments offered by Applicant with regard to Claims 3, 13, and 18 have been addressed sufficiently in the Examiner's previous actions and the Examiner's position remains unchanged. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any): Claims allowed: Claims rejected to: Claims rejected: 1-18 The proposed drawing correction filed on has has not been approved by the Examiner. Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s)		they raise new issues that would require further consideration and/or search. (See note below).	
issues for appeal. they present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: The added limitations to Claims 1, 8, and 15 require further consideration and/or search to determine their patentability. Applicant's response has overcome the following rejection(s): Newly proposed or amended claims			
NOTE: The added limitations to Claims 1, 8, and 15 require further consideration and/or search to determine their patentability. Applicant's response has overcome the following rejection(s): Newly proposed or amended claims would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims. The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because: The arguments offered by Applicant with regard to Claims 3, 13, and 18 have been addressed sufficiently in the Examiner's previous actions and the Examiner's position remains unchanged. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any): Claims allowed: Claims objected to: Claims rejected: 1-18 The proposed drawing correction filed on has has not been approved by the Examiner. Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s)		issues for appeal.	lifying the
 Newly proposed or amended claims			rmine their
separate, timely filed amendment cancelling the non-allowable claims. The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because: The arguments offered by Applicant with regard to Claims 3, 13, and 18 have been addressed sufficiently in the Examiner's previous actions and the Examiner's position remains unchanged. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any): Claims allowed: Claims objected to: Claims rejected: 1-18 The proposed drawing correction filed on		Applicant's response has overcome the following rejection(s):	
for allowance because: The arguments offered by Applicant with regard to Claims 3, 13, and 18 have been addressed sufficiently in the Examiner's previous actions and the Examiner's position remains unchanged. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any): Claims allowed: Claims objected to: Claims rejected: 1-18 The proposed drawing correction filed on			tted in a
the Examiner in the final rejection. For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any): Claims allowed: Claims objected to: Claims rejected: 1-18 The proposed drawing correction filed on	X	for allowance because: <u>The arguments offered by Applicant with regard to Claims 3, 13, and 18 have been addressed sufficiently</u>	
Claims allowed: Claims objected to: Claims rejected: 1-18 The proposed drawing correction filed on			vly raised by
Claims objected to: Claims rejected:	X	For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):	
Claims objected to: Claims rejected:		Claims allowed:	
Claims rejected: 1-18 The proposed drawing correction filed on hashas not been approved by the Examiner. Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s)		Claims objected to:	
Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s)		Claims rejected: 1-18	
			Examiner.
Other Other		Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s)	
- Particular Andrews		Other	Oh

F135 6 8 73.